

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

HALLMARK CARDS, INCORPORATED,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:08-CV-00840-ODS
	)	
MONITOR CLIPPER PARTNERS, LLC AND	)	
ADAM DOCTOROFF,	)	
	)	
Defendants.	)	

**PLAINTIFF'S PROPOSED VOIR DIRE**

In addition to the Court's general questions to the panel regarding knowledge of the parties, witnesses, counsel, or the case, Hallmark requests the Court to ask the questions set forth below. Some of these matters may be covered already by information provided by the clerk.

Ladies and Gentlemen. The plaintiff Hallmark Cards Incorporated has brought this lawsuit claiming that the defendants stole valuable Hallmark trade secrets. The defendants, Monitor Clipper Partners LLC and Adam Doctoroff, deny the charge. These questions will help the Court and the parties select the jurors who will hear the case.

1. Who among you is married? Single/Never Married? Single/Previously Married? Widowed? Living with Someone?
2. Who among the panel owns their own home? Who rents?
3. Who has children? Are any of your children living at home with you?

[IF EMPLOYMENT IS NOT PART OF CLERK'S STANDARD INFORMATION, PLEASE ASK EACH PANEL MEMBER THESE QUESTIONS 4 and 5 AND DETERMINE PLACE OF EMPLOYMENT AND POSITION]

4. What is your current employment status?

Employed Full-Time	Full-Time Student	Looking for Work
Employed Part-Time	Part-Time Student	Unemployed
Homemaker	Self Employed	Retired & Employed Part-Time
Disabled	Retired	

5. Occupation and name of current employer (If **retired**, **unemployed** or **homemaker**, please describe the last job held outside the home).

Please describe what you do (or did) at work.

Please indicate other recent occupations.

6. Please indicate whether you have had management or supervisory responsibilities.
7. Has anyone in the group, or in your immediate family worked for a computer company, or other high-tech company?
8. Who in the group keeps up with the news in the computer or high tech industries?
9. Have you or any member of your immediate family or household ever worked for any of the following companies?

American Greetings Corp

Hallmark Cards, Inc.

Recycled Paper Greetings, Inc.

Monitor Clipper Partners, LLC

Monitor Company Group

Any greeting card company?

Any private equity or investment firm which buys and sells companies?

Any consulting company?

[IF ANYONE ANSWERS “YES” ON PRIOR LITIGATION, QUESTIONS 10-14, PLEASE ASK FOR DETAILS, INCLUDING ROLE IN CASE, OUTCOME, AND VIEWS ON THE COURT PROCESS]

10. Has anyone ever served jury duty? [PLEASE DESCRIBE THE CASE(S) AND THE OUTCOME.] Did any of you serve as foreperson?
11. Have you or any member of your family ever been a party (either a plaintiff or defendant) to a lawsuit or other dispute resolution proceeding, such as a mediation, arbitration or administrative hearing?
12. Have you ever given testimony in a civil lawsuit or have you ever testified in a deposition, courtroom or hearing?
13. [THE COURT MAY WISH TO ASK THIS QUESTION PRIVATELY TO EACH PANEL MEMBER] Has anyone ever been charged with or convicted of a crime?
  - a. If yes, please identify the court and date of the proceeding (if any), and state the crime charged, whether you were convicted and the sentence imposed (if any).
14. The Court will be instructing the jury in this case on the burden of proof that each party bears. In general, in a civil case like this, the burden of proof is on the party asserting a particular claim or defense to cause you to believe that the elements of that party’s case are more likely true than not. This is not “proof beyond a reasonable doubt” because that much higher standard only applies in criminal cases. Does anyone believe they would have difficulty following the Court’s instructions on the burden of proof?
15. The Court may instruct the jury in this case that certain evidence constitutes Hallmark Trade Secrets. Does anyone believe they would have difficulty accepting the Court’s determination that certain evidence before you is a Hallmark Trade Secret?

16. The Court has already ruled in this case that the jury may consider two different kinds of damages evidence if it finds for Hallmark--unjust enrichment to the defendants, and a reasonable royalty that the defendants and Hallmark would have agreed on in negotiations at the time of the alleged misappropriation of the Trade Secrets. Does anyone believe they would have difficulty following the Court's instructions on damages?
17. Does anyone disagree with the law that permits punitive damages to be awarded based on conduct that is outrageous because of an evil motive or reckless indifference to someone's rights? Would anyone feel reluctant to award punitive damages under the Court's instructions?
18. The Court will instruct the jury in this case that it may infer that destroyed evidence would have been damaging to the party who destroyed it. Does anyone believe that they would have difficulty following the Court's instruction on destruction of evidence?
19. Have you, or has anyone in your immediate family, attended law school or had any other training in the law? If so, will you put whatever knowledge of the law you may have acquired before today out of your mind during this trial, and will you promise to apply only those legal principles on which the Court instructs you?
20. Do any of you have any specific negative feelings or opinions about lawsuits, lawyers or the parties who bring lawsuits?
21. Do any of you have any personal objection to lawsuits that seek monetary compensation?
22. Do you have any specific feelings about the size of jury awards?
23. Do any of you listen to Talk Radio regularly, or regularly watch particular TV shows?  
[PLEASE FOLLOW UP]
24. Who in the group is a union member today? Is anyone a former union member?
25. Who owns their own business?
  - a. Has anyone tried to start a new business?
  - b. Who in the group currently has employees?
26. Does anyone believe that most businesses unfairly take advantage of their employees?
27. Have events on Wall Street and the bailout of the banks caused any of you to be distrustful of corporate leaders and CEOs?
28. Overall, how many of you feel that most business people can be trusted?
29. In business, how many of you feel anything an individual company can do to gain an advantage is "fair game"?
30. Does anyone believe that there is such a thing as "business ethics"?

31. Does anyone feel that some companies these days would rather sue their competitors than compete with them?
32. How many of you often shop for greeting cards?
  - a. Sometimes?
  - b. Rarely or never?
33. How many of you consider yourself to be knowledgeable when it comes to business matters?
34. Does anyone consider the private equity industry, in which private investors buy and sell companies, a positive influence on our country's economy?
35. Has anyone ever worked for a company that had, or claimed to have, trade secrets?
  - a. Have you or anyone you know ever been involved in a controversy involving misappropriation of trade secrets?
36. Has anyone ever entered into a confidentiality or nondisclosure agreement, or worked for a company that did so?
37. Has anyone ever had to sign a non-compete agreement?
  - a. Did your agreement contain a prohibition against use of confidential information even after the non-compete period had expired?
38. Has anyone ever been involved in a business acquisition?
39. How many people have completed at least some college?
40. Who among you has served in the military?
41. Who in the group has done volunteer work? [PLEASE FOLLOW UP]
42. Who among the panel members tends to make decisions with your mind rather than your heart? [PLEASE ASK FOR AN EXAMPLE]
43. Does anyone have any friends, relatives or family members who are lawyers or judges?
44. Would you describe yourself as a leader infrequently, occasionally, or frequently?  
[PLEASE ASK FOR A SHOW OF HANDS FOR EACH]
45. Have you ever written a letter to the editor of a magazine or newspaper? How about posting an opinion or comment on the internet?
46. Have you taken any courses, had any training in any of the following areas – marketing, finance, business ethics, consumer research?
47. Do any of you have any reluctance about serving as a juror?

48. Is there anyone who would feel any reluctance in joining the discussion with the members of the jury during deliberations?
49. Would any of you feel offended if other members of the jury disagreed with your view of the evidence?
50. It is your duty as a juror to listen to the opinions and points of view of the other members of the jury. Would any of you be unwilling to listen to a fellow juror who disagreed with you?
51. It is also your duty as a juror to express your opinion or point of view regarding the evidence to the other members of the jury. Is there anyone who would be unwilling to speak up to other members of the jury who disagreed with your view of the evidence?
52. Is there anyone who would be unwilling to change an opinion if, after listening to the arguments of the other members of the jury, you were persuaded that your opinion was wrong?
53. As a jury, you may have to resolve conflicts in the testimony of witnesses. This means you may have to decide whether to believe or reject all or part of a witness's testimony. Is there any juror who feels this is not something he or she can do?

Dated: October 22, 2012

Respectfully submitted,

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ATTORNEYS FOR HALLMARK CARDS,  
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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on this 22<sup>nd</sup> day of October, 2012, the foregoing document was filed with the Clerk of the Court by using the CM/ECF system, which sent notification of such filing to all counsel of record, including:

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